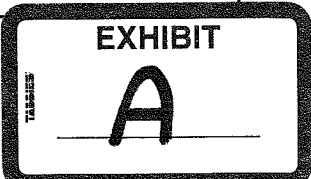


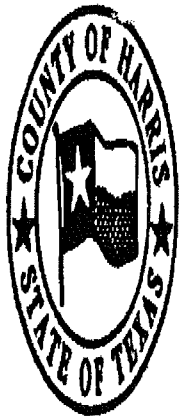
72

Cause No. _____																																															
<u>MOSES E MENDEZ</u> Plaintiff		§ § § § §																																													
<u>BED, BATH + BEYOND, INC.</u> Defendant		§ § § § §																																													
		IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS ____ JUDICIAL DISTRICT																																													
<b>CIVIL CASE INFORMATION SHEET</b>																																															
<p>This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. <u>This information does not constitute a discovery request, response, or supplementation, and is not admissible at trial.</u></p> <p>✓ Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgment signed FOUR (4) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.</p>																																															
<p>Type of action:    <input checked="" type="checkbox"/> Commercial    <input checked="" type="checkbox"/> Personal Injury    <input type="checkbox"/> Death    <input type="checkbox"/> Other</p> <p>Check all claims pled:</p> <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Account due</td> <td><input type="checkbox"/> Defamation</td> <td><input type="checkbox"/> Fraud</td> <td><input type="checkbox"/> Products liability</td> </tr> <tr> <td><input type="checkbox"/> Admiralty</td> <td><input type="checkbox"/> Disbarment</td> <td><input type="checkbox"/> Garnishment</td> <td><input type="checkbox"/> Post judgment</td> </tr> <tr> <td><input type="checkbox"/> Assault</td> <td><input checked="" type="checkbox"/> Discrimination</td> <td><input type="checkbox"/> Injunction/TRO</td> <td><input type="checkbox"/> Railroad</td> </tr> <tr> <td><input type="checkbox"/> Asbestosis</td> <td><input type="checkbox"/> Dram shop</td> <td><input type="checkbox"/> Insurance bad faith</td> <td><input type="checkbox"/> Real estate</td> </tr> <tr> <td><input type="checkbox"/> Auto</td> <td><input type="checkbox"/> DTPA</td> <td><input type="checkbox"/> Malicious prosecution</td> <td><input type="checkbox"/> Securities fraud</td> </tr> <tr> <td><input type="checkbox"/> Bill of review</td> <td><input checked="" type="checkbox"/> Employment discharge</td> <td><input type="checkbox"/> Malpractice/Legal</td> <td><input type="checkbox"/> Sequestration</td> </tr> <tr> <td><input type="checkbox"/> Conspiracy</td> <td><input type="checkbox"/> Expunction</td> <td><input type="checkbox"/> Malpractice/Medical</td> <td><input type="checkbox"/> Silicone implant</td> </tr> <tr> <td><input type="checkbox"/> Contract</td> <td><input type="checkbox"/> False imprisonment</td> <td><input type="checkbox"/> Name change</td> <td><input type="checkbox"/> Tortious interference</td> </tr> <tr> <td><input type="checkbox"/> Deed restriction</td> <td><input type="checkbox"/> Foreclosure</td> <td><input type="checkbox"/> Note</td> <td><input type="checkbox"/> Trespass</td> </tr> <tr> <td><input type="checkbox"/> Declaratory judgment</td> <td><input type="checkbox"/> Forfeiture</td> <td><input type="checkbox"/> Premises liability</td> <td><input type="checkbox"/> Workers compensation</td> </tr> <tr> <td colspan="4" style="text-align: center;"><input type="checkbox"/> Other _____</td> </tr> </table>				<input type="checkbox"/> Account due	<input type="checkbox"/> Defamation	<input type="checkbox"/> Fraud	<input type="checkbox"/> Products liability	<input type="checkbox"/> Admiralty	<input type="checkbox"/> Disbarment	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Post judgment	<input type="checkbox"/> Assault	<input checked="" type="checkbox"/> Discrimination	<input type="checkbox"/> Injunction/TRO	<input type="checkbox"/> Railroad	<input type="checkbox"/> Asbestosis	<input type="checkbox"/> Dram shop	<input type="checkbox"/> Insurance bad faith	<input type="checkbox"/> Real estate	<input type="checkbox"/> Auto	<input type="checkbox"/> DTPA	<input type="checkbox"/> Malicious prosecution	<input type="checkbox"/> Securities fraud	<input type="checkbox"/> Bill of review	<input checked="" type="checkbox"/> Employment discharge	<input type="checkbox"/> Malpractice/Legal	<input type="checkbox"/> Sequestration	<input type="checkbox"/> Conspiracy	<input type="checkbox"/> Expunction	<input type="checkbox"/> Malpractice/Medical	<input type="checkbox"/> Silicone implant	<input type="checkbox"/> Contract	<input type="checkbox"/> False imprisonment	<input type="checkbox"/> Name change	<input type="checkbox"/> Tortious interference	<input type="checkbox"/> Deed restriction	<input type="checkbox"/> Foreclosure	<input type="checkbox"/> Note	<input type="checkbox"/> Trespass	<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Forfeiture	<input type="checkbox"/> Premises liability	<input type="checkbox"/> Workers compensation	<input type="checkbox"/> Other _____			
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<input type="checkbox"/> Other _____																																															
<p>Has this dispute previously been in the Harris County courts?    <input checked="" type="checkbox"/> No    <input type="checkbox"/> Yes, in the following court: _____</p> <p>Monetary damages sought    <input type="checkbox"/> less than \$50,000    <input type="checkbox"/> 50,001 - \$100,000    <input checked="" type="checkbox"/> greater than \$100,000</p>																																															
<p>Estimated time needed for discovery    <input type="checkbox"/> 0-3 months    <input checked="" type="checkbox"/> 4-6 months    <input type="checkbox"/> 7-12 months    <input type="checkbox"/> &gt;1 year</p> <p>Estimated time needed for trial:    <input checked="" type="checkbox"/> 1-2 days    <input type="checkbox"/> 3-5 days    <input type="checkbox"/> 6-10 days    <input type="checkbox"/> &gt; 10 days</p>																																															
<p>Are you going to request Level 3 status?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, please state your estimate for total hours of deposition per side: _____ and the number of interrogatories needed for each party to serve on any other party: _____</p>																																															
<p>Name of party filing this cover sheet: <u>MOSES E MENDEZ</u></p> <p>Signature of attorney or pro se filing cover sheet: <u>WOODROW EPPERSON</u></p> <p>Name printed: <u>WOODROW EPPERSON</u> Phone No: <u>713 993 6303</u>    Bar No: <u>06637000</u></p>																																															
<p><b>FOR COURT USE ONLY:</b></p> <p>Track assigned    <input type="checkbox"/> Track 1    <input type="checkbox"/> Track 2    <input type="checkbox"/> Track 3</p> <p>Court Coordinator: _____ Date: _____</p>																																															

**FILED**  
Theresa Chang  
District Clerk

NOV 01 2007  
Time: \_\_\_\_\_  
By: \_\_\_\_\_  
Harris County, Texas  
Deputy





COUNTY AUDITOR'S FORM 99A  
HARRIS COUNTY, TEXAS V.10/99)

OFFICIAL RECEIPT

1 NO 211546

THERESA CHANG DISTRICT CLERK

ACTION: DISCRIMINATION  
STYLE PLT: MENDEZ, MOSES E

CASE: C-200767483

TRANS NO: 7998686

COURT: 281

DEF: BED BATH &amp; BEYOND

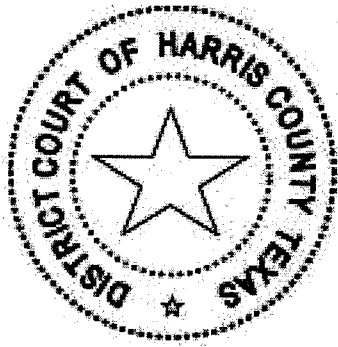
FEE	DESCRIPTION	QTY	AMOUNT	PAYMENT 1	CHECK	4035	
100	FILING NEW CASE	1	50.00	PAYMENT 2			197.00
195	SECURITY SERVICE FEE	1	5.00				
198	DC RECORDS PRESERVAT	1	5.00	AMOUNT TENDERED:			197.00
199	RECORD PRESERVATION	1	5.00	TOTAL AMOUNT:			197.00
450	JUDICIAL FILING FEE	1	40.00	AMOUNT APPLIED:			197.00
452	LEGAL SRVC FEE-CIVIL	1	10.00				
453	SUPPORT OF JUDICIARY	1	37.00	CHANGE:			.00
475	LAW LIBRARY	1	15.00				
525	STENO FEE	1	15.00	RECEIVED EPPERSON, WOODROW JR.			(06637000)
601	DISPUTE RESOLUTION F	1	10.00	OF 10565 KATY FWY #250			
775	APPELLATE JUDICIAL F	1	5.00	HOUSTON, TX 77024			

ONE HUNDRED NINETY-SEVEN DOLLARS AND 0/100\*\*\*\*\* DOLLARS  
PAYMENT DATE: 11/01/2007 FILE DATE: 11/01/2007

ASSESSED BY: HARRIS, MARCELLA

VALIDATED 11/05/2007 BY: BRANTLEY, FURSHILLA

FILE COPY



I, Theresa Chang, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date

Witness my official hand and seal of office  
this December 13, 2007

Certified Document Number: 33700653 (Total Pages 2)

THERESA CHANG, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

PS  
NO. 20 07 - 67483

ASSESSED
ENTERED <i>MRB</i>
VERIFIED

MOSES E. MENDEZ

IN THE DISTRICT COURT

v.

HARRIS COUNTY, TEXAS

BED, BATH & BEYOND, INC.

281<sup>ST</sup> JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Moses E. Mendez, plaintiff, files this original petition complaining of Bed, Bath & Beyond, Inc., defendant, and for cause of action shows the Court the following:

1. Discovery is intended to be conducted under Level 2 of Rule 190.1, Texas Rules of Civil Procedure.

2. Plaintiff is an individual residing in Houston, Harris County, Texas, and is over 40 years of age. His date of birth is November 9, 1947. At all times relevant to this action, plaintiff was over the age of 40. Defendant, Bed, Bath & Beyond, Inc. is a corporation authorized to do business and doing business in Houston, Harris County, Texas. It may be served with citation by serving its registered agent. At all times relevant hereto, defendant had in excess of twenty employees and was plaintiff's employer. At all times relevant hereto, defendant's principal place of business was located in Houston, Harris County, Texas. Plaintiff and defendant entered into agreements concerning employment with defendant, which were entered into and performed in Houston, Texas.

3. Venue is proper in Harris County, Texas, because an agreement concerning employment between plaintiff and defendant

was entered into in Harris County, Texas, and the actions by defendant of which plaintiff complains occurred in Harris County, Texas.

4. This court has jurisdiction under Texas Labor Code Ann. Section 21.001 et seq. All administrative remedies have been exhausted.

5. At all times relevant to this action plaintiff was a full time employee of defendant. Plaintiff performed the duties of this position capably and effectively over a period of many years.

6. Although plaintiff performed the duties of his employment capably and effectively, defendant terminated plaintiff from his employment.

7. Plaintiff asserts without limitation, that defendant's actions described herein constituted discrimination against him on account of his age, in violation of the antidiscrimination provisions of the Age Discrimination in Employment Act and comparable provisions of the Texas Labor Code, as more specifically alleged below.

8. Specifically, plaintiff's age was a determining reason for the action of defendant in removing plaintiff from his position. The defendant is liable to plaintiff for its age discrimination against him in violation of the Age Discrimination in Employment Act and Tex. Labor Code Ann. Sec. 21.001 et seq. Defendant's unlawful conduct has proximately caused plaintiff actual damages, including lost income and employment benefits, emotional pain and suffering, and other damages. He suffered the loss of retirement and pension benefits which were promised to him and on which he

intended to rely for his future welfare.

**NEGLIGENT HIRING, RETENTION AND SUPERVISION OF EMPLOYEES**

9. Plaintiff shows that defendant's negligence in hiring, retaining and supervising its managers and employees who worked with plaintiff, proximately caused damages to plaintiff. Specifically, plaintiff shows that defendant negligently hired, supervised and retained managers and employees who commenced and continued a practice of making repeated unwelcome and uninvited offensive verbal utterances to and toward plaintiff, and repeated unwelcome and uninvited offensive actions toward him. The complained of matters were committed by managers and employees who were negligently hired, retained and supervised by defendant.

10. Plaintiff has been required to retain counsel to prosecute his claims and seeks recovery of reasonable attorney's fees in the prosecution of claims under federal antidiscrimination laws and under the laws of the State of Texas.

**PRAYER**

Wherefore, plaintiff, requests that defendant be cited to appear and answer and that on final trial he have the following:

1. Judgment against defendant for damages in an amount within the jurisdictional limits of the court.
2. An award of attorney's fees for prosecuting claims against defendant.
3. Interest prior to judgment from the date of loss to date of judgment at the maximum rate prescribed by law.

4. His costs in the matter expended.
5. Interest after judgment at the maximum lawful rate on all the above sums from date of judgment until paid.
6. Such other and further relief to which he may be justly entitled.

Plaintiff demands a trial by jury.

Respectfully submitted,

Law Office of Woodrow  
Epperson



Woodrow Epperson  
10565 Katy Freeway  
Suite 250  
Houston, Texas 77024  
(713) 973-6303  
FAX (713) 973-1882  
State Bar No. 06637000

Attorney for  
Moses E. Mendez

LAW OFFICE OF  
**WOODROW EPPERSON**  
10565 KATY FREEWAY, SUITE 250  
HOUSTON, TEXAS 77024  
713 973-6303  
Fax 713 973-1882  
[jepper1068@aol.com](mailto:jepper1068@aol.com)

WOODROW EPPERSON

October 31, 2007

Licensed in Texas  
Florida and Pennsylvania

Theresa Chang  
District Clerk  
P. O. Box 4651  
Houston, Texas 77210

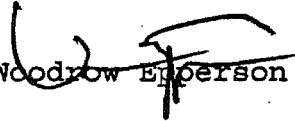
Re: Case no. 2007-\_\_\_\_, Mendez v. Bed, Bath & Beyond, Inc., in the  
\_\_\_\_th Judicial District Court, Harris County, Texas)

Dear Ms. Chang:

Enclosed for filing is plaintiff's original petition. Please  
return a file stamped copy. Also enclosed is the civil cover sheet  
and my firm check for the filing fee.

Thank you for your attention to this matter.

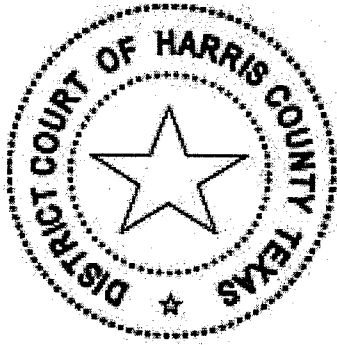
Very truly yours,

  
Woodrow Epperson

Enclosures  
cc: Client

2007 NOV - 1 AM 9:26  
HARRIS COUNTY, TEXAS  
CHARLES E. BARNES  
CLERK OF DISTRICT COURT  
BY MAIL REGISTERED MAIL  
FOR





I, Theresa Chang, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date

Witness my official hand and seal of office  
this December 13, 2007

Certified Document Number: 33700652 (Total Pages 5)

THERESA CHANG, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

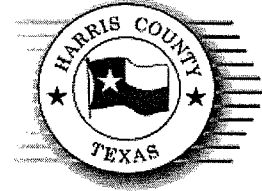
Harris County Docket Sheet

**2007-67483**

**COURT:** 281st

**FILED DATE:** 11/1/2007

**CASE TYPE:** DISCRIMINATION



**MENDEZ, MOSES E**

Attorney: EPPERSON, WOODROW JR.

**vs.**

**BED BATH & BEYOND**

**Docket Sheet Entries**

**Date**

**Comment**